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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/768,313       |
| Filing Date            | January 30, 2004 |
| First Named Inventor   | Terry et al.     |
| Art Unit               | 2616             |
| Examiner Name          | Not Yet Known    |
| Attorney Docket Number | I-2-0192.5US     |

### ENCLOSURES (Check all that apply)

- |   |   |   |
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| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | Form PTO-1449   |
| <input checked="" type="checkbox"/> Information Disclosure Statement      | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                        |          |        |
|--------------|------------------------|----------|--------|
| Firm Name    | VOLPE AND KOENIG, P.C. |          |        |
| Signature    | <i>Scott Wolinsky</i>  |          |        |
| Printed name | Scott Wolinsky         |          |        |
| Date         | July 17, 2006          | Reg. No. | 46,413 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                       |      |               |
|-----------------------|-----------------------|------|---------------|
| Signature             | <i>Scott Wolinsky</i> |      |               |
| Typed or printed name | Scott Wolinsky        | Date | July 17, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Terry et al.

**Application No.:** 10/768,313

**Confirmation No.:** 6324

**Filed:** January 30, 2004

**Our File:** I-2-0192.5US

**Date:** July 17, 2006

**For:** DYNAMIC CHANNEL QUALITY  
MEASUREMENT PROCEDURES FOR  
OPTIMIZING DATA TRANSMISSION IN A  
WIRELESS DIGITAL COMMUNICATION  
SYSTEM

**Group:** 2618

**Examiner:** Not Yet Known

### INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to Applicants' Duty of Disclosure pursuant to 37 C.F.R. §1.56, Applicants wish to bring to the Examiner's attention the material cited on the enclosed PTO-1449 form. Newly cited documents are indicated by an asterisk (\*). Pursuant to 37 C.F.R. §1.98(a)(2)(ii), copies of the cited U.S. publications and/or patent documents have not been included.

**Applicant: Terry et al.**  
**Application No.: 10/768,313**

It is respectfully requested that the Examiner consider these documents and return an initialed copy of the PTO-1449 form indicating his consideration of the cited materials.

Respectfully submitted,

Terry et al.

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SW/akg  
Enclosures ( 1 )



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| FORM PTO-1449<br><br>U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE<br><br>INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br><br>(Use several sheets if necessary) | ATTY. DOCKET NO.<br>I-2-0192.5US | SERIAL NO.<br>10/768,313 |
|  | APPLICANT<br>Terry et al.        |                          |
|  | FILING DATE<br>January 30, 2004  | GROUP<br>2618            |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |  | DOCUMENT NUMBER | DATE    | NAME                | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| U.S. PATENT DOCUMENTS |   |                 |         |                |       |          |                               |
|-----------------------|---|-----------------|---------|----------------|-------|----------|-------------------------------|
| EXAMINER<br>INITIAL   |   | DOCUMENT NUMBER | DATE    | NAME           | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
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|                          |  | DOCUMENT NUMBER | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|                          |  |                 |         |         |       |          | YES         | NO |
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